

GIDON M. CAINE (Cal. State Bar No. 188110)  
ALSTON & BIRD LLP  
275 Middlefield Road  
Suite 150  
Menlo Park, California 94025-4008  
Telephone: (650) 838-2000  
Facsimile: (650) 838-2001  
gidon.caine@alston.com

Jessica P. Corley (admitted *pro hac vice*)  
Elizabeth P. Skola (admitted *pro hac vice*)  
ALSTON & BIRD LLP  
One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424  
Telephone: (404) 881-7000  
Facsimile: (404) 881-7777  
jessica.corley@alston.com  
elizabeth.skola@alston.com

Attorneys for Defendants  
OCLARO, INC., ALAIN COUDER,  
JERRY TURIN, and JAMES HAYNES

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

CURTIS and CHARLOTTE WESTLEY,  
individually and on behalf of others similarly  
situated,

Plaintiffs,

v.

OCLARO, INC., et al.,

Defendants.

Case No. C11-2448 EMC  
and related consolidated action

IN RE OCLARO, INC. DERIVATIVE  
LITIGATION,

Lead Case No. C11-3176 EMC  
(Derivative Action)

This Document Relates to:

WESTLEY v. OCLARO

**STIPULATION AND [PROPOSED]  
ORDER RESCHEDULING CASE  
MANAGEMENT CONFERENCE**

1 WHEREAS, Plaintiffs Curtis and Charlotte Westley (collectively, "Plaintiffs"), through their  
2 counsel, filed a purported class action complaint ("Complaint") against defendants Oclaro, Inc.,  
3 Alain Couder, Jerry Turin, and James Haynes in the above-entitled matter on May 19, 2011;

4 WHEREAS, on July 1, 2011, upon the parties' stipulation, the Court issued an order  
5 requiring the parties to file a Joint Case Management Conference Statement by November 25, 2011  
6 and scheduling the Case Management Conference for December 2, 2011;

7 WHEREAS, on July 18, 2011, the Connecticut Laborers' Pension Fund (the "Fund") moved  
8 the Court for an order appointing the Fund as Lead Plaintiff and approving its selection of counsel as  
9 Lead Counsel;

10 WHEREAS, on September 12, 2011, the Court entered an order granting the Fund's motion  
11 and appointing it as Lead Plaintiff;

12 WHEREAS, on October 27, 2011, Lead Plaintiff filed an amended complaint for violation of  
13 the federal securities laws ("Amended Complaint") against defendants Oclaro, Inc., Alain Couder,  
14 and Jerry Turin (collectively, "Defendants");

15 WHEREAS, the Amended Complaint asserts claims under the federal securities laws that are  
16 subject to the procedural requirements of the Private Securities Litigation Reform Act of 1995  
17 ("Reform Act"), including those set forth in 15 U.S.C. § 78u-4;

18 WHEREAS, Defendants presently intend to file a motion to dismiss the Amended Complaint  
19 on December 12, 2011, which would trigger a stay of discovery under the Reform Act, 15 U.S.C. §  
20 78u-4(b)(3)(B);

21 WHEREAS, under the current schedule stipulated by the parties and approved by the Court  
22 on July 1, 2011, the briefing on the motion to dismiss will take place through the end of February  
23 2012;

24 WHEREAS, the parties intend to request an oral argument date on the motion to dismiss in  
25 March 2012;

26 WHEREAS, in order to avoid the unnecessary expenditure of judicial resources or effort by  
27 the parties to this action and the Court prior to full briefing on the motion to dismiss, the parties to  
28

1 this action have agreed, in the interim prior to the resolution of the motion to dismiss and subject to  
 2 the Court's approval, to the continuance of the Case Management Conference and all associated  
 3 obligations, including the filing of the Joint Case Management Statement; and

4 WHEREAS, this Stipulation and Order is without prejudice to, or waiver of, any rights,  
 5 arguments, or defenses otherwise available to the parties to this action.

6 NOW THEREFORE, the undersigned parties, by and through their counsel of record,  
 7 stipulate as follows:

8 The Case Management Conference, currently scheduled for December 2, 2011, is hereby  
 9 adjourned to: (a) 30 days after Defendants file an answer; (b) 60 days after (i) the Court rules  
 10 on Defendants' motion to dismiss and (ii) Lead Plaintiff informs the Court that it will not  
 11 further amend their Complaint; or (c) to such other date and time as this Court shall order.

12 Until the date of such Case Management Conference, the stay of discovery pursuant to the  
 13 Reform Act shall stay in place, subject to the parties' right to seek to lift the stay pursuant to  
 14 15 U.S.C. § 78u-4(b)(3)(B).

15 DATED: November 22, 2011

16 **ROBBINS GELLER RUDMAN &  
 17 DOWD LLP**

**ALSTON & BIRD LLP**

18 By: /s/ Shawn A. Williams  
 19 SHAWN A. WILLIAMS (Cal. State Bar  
 20 No. 213113)  
 21 Post Montgomery Center  
 22 One Montgomery Street, Suite 1800  
 San Francisco, California 94104  
 Telephone: (415) 288-4545  
 Facsimile (415) 288-4534  
 shawnw@rgrdlaw.com

By: /s/ Gidon M. Caine  
 GIDON M. CAINE (Cal. State Bar No. 188110)  
 275 Middlefield Road  
 Suite 150  
 Menlo Park, California 94025-4008  
 Telephone: (650) 838-2000  
 Facsimile: (650) 838-2001  
 gidon.caine@alston.com

23 and

and

24 JULIE A. KEARNS (Cal. State Bar No.  
 25 246949)  
 655 West Broadway, Suite 1900  
 San Diego, California 92101  
 Telephone: (619) 231-1058  
 26 Facsimile: (619) 231-7423  
 27 jkearns@rgrdlaw.com

JESSICA P. CORLEY (*pro hac vice*)  
 ELIZABETH P. SKOLA (*pro hac vice*)  
 One Atlantic Center  
 1201 West Peachtree Street  
 Atlanta, Georgia 30309-3424  
 Telephone: (404) 881-7000  
 Facsimile: (404) 881-7777  
 jessica.corley@alston.com  
 elizabeth.skola@alston.com

28 *Counsel for Plaintiffs*

*Counsel for Defendants Oclaro, Inc., Alain Couder,  
Jerry Turin, and James Haynes*

**SIGNATURE ATTESTATION**

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Order Rescheduling Case Management Conference. Pursuant to General Order No. 45, Section X (B) regarding signatures, I, Gidon M. Caine, attest that concurrence in the filing of this document has been obtained.

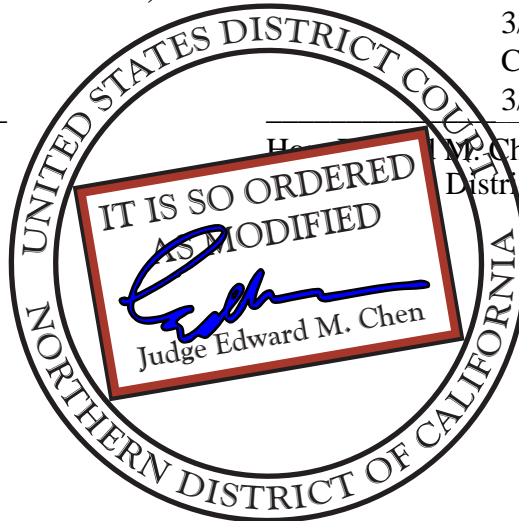
DATED: NOVEMBER 22, 2011

/S/ GIDON M. CAINE  
GIDON M. CAINE (CAL. STATE BAR NO. 188110)

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

The CMC is reset from 12/2/11 to 3/23/12 at 9:00 a.m. A joint CMC statement shall be filed by 3/16/12

DATED: 11/29/11



Edward M. Chen  
District Court Judge